

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

HUBERT JONES,)
PLAINTIFF,)
V.) CIVIL ACTION NO: 1:05CV-612-MHT
DAVID JONES, et. al.,)
DEFENDANTS.)

MOTION BY PLAINTIFF TO ADD DEFENDANTS
AND FOR LEAVE TO AMEND COMPLAINT

Plaintiff moves the court for an order making the following parties defendants herein and directing the issuance and service of process on them:

1. Cornelius Jenkins who resides at 1265 McGirts Creek Drive West, Jacksonville, Florida 32221 and who is now employed by Nimnicht Chevrolet located at 1550 Cassat Avenue, Jacksonville, Florida 322210. Mr. Jenkins was the salesman employed by Defendant Mike Shad Chrysler P/J/E, who solicited the sale of the subject vehicle and assisted in the completion of financing of the vehicle.
2. DaimlerChrysler Services of North America, LLC was the finance company who provided the financing of the subject vehicle and subsequently sued Plaintiff to recover a deficiency

balance after the vehicle was repossessed from the possession of Defendant David Jones.

3. Equifax Information Services, LLC, Transunion, and Experian are credit reporting agencies who erroneously reported defamatory information regarding the credit worthiness of the Plaintiff, were notified of the erroneous reporting and who failed or refused to correct the errors in reporting.

As for grounds therefor Plaintiff shows the court as follows:

4. This is an action for conversion, issuance of a false financial statement, impersonation, fraud, invasion of privacy, negligence, and violation of the Fair Debt Collection Practices Act, Fair Credit Reporting Act, and other claims.

5. The claims stem from an incident in which a third party, believed to be David Jones, forged the signature of the Plaintiff to a promissory note held by Defendant Daimler Chrysler in an attempt to purchase the subject vehicle. Defendant David Jones would not have qualified for the purchase of the vehicle without the signature of a third party.

6. Daimler Chrysler negligently and wantonly failed to insure the identity of the individual with whom they contracted.

7. Defendant Credit Bureaus in spite of being notified of the erroneous entries on the Plaintiff's credit reports, failed and refused to correct the errors resulting in Plaintiff being denied credit.

8. Defendant Cornelius Jenkins was the employee of Defendant Mike Shad Chrysler P/J/E who individually or acting as agent for Defendant Mike Shad Chrysler P/J/E or as agent for Defendant Daimler Chrysler allowed Defendant David Jones to forge the name of Plaintiff or else negligently failed to insure the identity of the person signing the promissory note.

9. These additional defendants are indispensable, necessary and proper party defendants.

10. The additional defendants are either citizens and residents of the State of Florida or else they are doing business in the State of Florida and are subject to the jurisdiction of this court as to both service of process and venue and can be made party defendants herein without depriving the court of jurisdiction.

Wherefore, Plaintiff prays that this Honorable Court will issue an order making Daimler Chrysler, Cornelius Jenkins, individually, as agent for Mike Shad Chrysler P/J/E, as Agent for Daimler Chrysler and Equifax, Transunion, and Experion party defendants and directing issuance and service of process on them and further allowing Plaintiff to amend the complaint to address the claims against those defendants..

Respectfully submitted this the 21st day of July, 2006.

s/Donna C. Crooks
DONNA C. CROOKS (CRO-056)
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